



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, THURSDAY, MAY 23, 2013

No. 74

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Michael Beals, rabbi at Congregation Beth Shalom in Wilmington, DE.

The guest Chaplain offered the following prayer:

Let us join together in prayer.

Adon Olam, Master of the Universe, we send our first prayer to the residents of Moore, OK. May it be Your will that those who are missing be found alive and be cared for. Send comfort to those who have suffered loss, and with the help of those gathered here, send the resources required to rebuild.

Eternal our God, You commanded us to care for the widow, the orphan, and You commanded us to care for—so appropriate today—the stranger in our midst. Thank You for giving our Nation these esteemed Senators to help us as a nation fulfill the command to care for the most vulnerable in our midst. Into each of these honorable Senators You implanted Your divine spark. Help these Senators, Your humble servants, find a way of working together for the common good. In doing so, may they thus take their individual holy inner lights and join them together, creating one unified shaft of light so strong that it will shine clear up to the firmament above.

We pray this in Your sacred and Holy Name. And let us all say amen.

PLEDGE OF ALLEGIANCE

The Honorable BRIAN SCHATZ led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 23, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I am going to have a few things to say, as will Senator MCCONNELL, but now I will yield to my friend from Delaware, the junior Senator from Delaware.

I ask unanimous consent that when Senator MCCONNELL and I finish our remarks, he be recognized to speak for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WELCOMING THE GUEST CHAPLAIN

Mr. COONS. Mr. President, thank you for the opportunity to recognize and celebrate this morning's Chaplain. Rabbi Michael Beals has served our community in Wilmington, DE, and

our country admirably and with a strength of faith and foundation that you have heard in this morning's prayer. He is joined by his wife Elissa, a caring veterinarian, his daughter Ariella, whose bat mitzvah was just celebrated, and his daughter Shira and many other family and friends. He has a wonderful and accomplished education, being ordained at the Jewish Theological Seminary and also having studied at the American University, the University of California at Berkeley, and the Hebrew University in Jerusalem.

In addition to his remarkable education, he is someone who is profoundly grounded in the calling, in the challenge of rebuilding. As you heard in his reflections in prayer this morning, he is someone who cares deeply for the widow, the orphan, the stranger, and is true to the Biblical calling of us to be witnesses to our communities wherever we might be found.

I am grateful for the chance to add his voice to the many who have brought this Senate into session year in and year out over the centuries, and I am grateful for his friendship and leadership in my hometown of Wilmington, DE.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. With the Republican leader's consent, I ask now that the senior Senator from Delaware be allowed to say a few words regarding our guest Chaplain.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, Senator COONS and I spent a couple of lovely hours together in Michael Beals' synagogue last Saturday as his daughter was going through bat mitzvah. I will never forget that occasion. What a joy for everyone there, people from all over the country. I know it was a source of family pride for the father, the mom, and for the rabbi to be there with their daughter on that special day.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S3791

To my colleagues I would say that one of the things I pray for every day is that we will find our way to a two-state solution in the Middle East that provides a homeland for the Palestinians, a capital for the Palestinians, and security for the people of Israel and peace for the people of Israel.

There is a great partnership in our State between Rabbi Beals' synagogue and my church and a number of other churches of different faiths. I just want to mention that here today and thank you for your commitment not just to the least of those in our society and those who need our help but also across the world to a really big trouble spot that needs our attention and our thoughts and our prayers. I thank you very much for being here today. Thank you for your prayer.

I thank the leader for letting me say a few words.

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period morning business until 10:30 a.m. The time until then will be equally divided and controlled between the two leaders or their designees.

Mr. President, if Republicans want to use extra time because of my two Democrats here, there will be no problem with that. The Chair will know how much time was taken by Senator COONS and Senator CARPER.

At 10:30 there will be two rollcall votes—first a cloture vote on the Srinivasan nomination for the D.C. Circuit and a second vote on the Sanders amendment to the farm bill.

The managers will continue to work through amendments to the farm bill today. Senators will be notified when additional votes are scheduled. I would note we are going to see if we can get a finite list of amendments today on the farm bill. Senators STABENOW and COCHRAN are working on that. It would be nice if we can do that.

Also, we hope we can work something out so we can finish our work today. If we do not, we will have to be here tomorrow in the afternoon to finish this circuit court business.

MAKING THE SENATE WORK

Mr. REID. Mr. President, as a boy, as I grew up, what I wanted to be was a baseball player. It didn't take long until I learned I was not big enough, fast enough, or good enough to be the baseball player of my dreams, but that has not taken away my love of the game. I have followed it so closely for many years. I follow it really, really closely.

I was a cheerleader for any team Greg Maddux was on. He came from Valley High School, from Las Vegas. Almost immediately he was a star baseball player in the Major Leagues. Whatever team he was on was the team I cheered for.

I have been here in Washington now for a number of years. They have had

in recent years a professional baseball team. I am reminded that when I was going to law school, working in this building, I went to Griffith Stadium and watched baseball games. I only watched two, but I watched the Washington Senators play the New York Yankees twice—Mickey Mantle, Yogi Berra, all that crowd. I remember that.

In recent years—in fact, the last 2 years—I have focused on the Nationals a lot because of another phenomenon from Las Vegas by the name of Bryce Harper. He has meant so much to that team, as we learned last night. He is recovering from running into the wall at full speed, hurting himself. But last night he was the reason they won—hit a home run and a double in the 10th inning and made a sensational catch. He is really very good.

The reason I mention that is that Davey Johnson is the manager of the Washington Nationals. He has managed five different Major League Baseball teams. He is one of the greatest managers in the history of baseball. He won pennants, won national championships. But what would the Washington Nationals be like today if he did not have the ability to have the players he wanted? Someone would say: OK, you can have your third baseman Ryan Zimmerman, but you are going to have to wait—not at the beginning of the season, you are going to have to wait until August. We are willing to have him come in August. Or their first baseman, Adam LaRoche—he is a good first baseman, Golden Glove. But you can't have him for a while. Wait for a few months and then bring him on.

That is an example of what is going on in the Senate. The President of the United States does not have the team he wants, the team he deserves.

Yesterday my friend—and he is my friend—the minority leader offered a full-throated defense of the dysfunctional status quo here on Capitol Hill. Here is what he said: "I think we have demonstrated there is no real problem here," talking about the Senate. This he said yesterday on this floor.

Congress has an approval rating I don't even like to talk about. It is very low. Senator MCCONNELL stood on the Senate floor and said things here in Congress are going just fine. I think it is safe to say Americans disagree, and I am on their side. Senator MCCONNELL is free to defend this Republican-created logjam that exists in the Senate today, but I will not join him in this defense. The problem of gridlock in Washington is real, and it must be fixed. I am committed to making the Senate work again.

These remarks I am giving today are only in an effort to get this body to work well. There is nothing sinister in what I am saying. I just want the Senate to work well. I have been here a long time, and it did not work this way before.

Despite the agreement we reached in January of this year, Republican obstruction on nominees continues

unabated—no different than it was the last Congress.

The minority leader used strong words yesterday accusing me of going back on my word. I take that accusation very seriously. It is true that in January Democrats and Republicans entered into an agreement. Republicans agreed to cease the endless obstruction of Presidential nominees. They agreed they would work with us "to schedule votes on nominees in a timely manner except in extraordinary circumstances." This is what he said, what the minority leader said. I just quoted that. He said it this year. I repeat, "Republicans agreed they would no longer block the President's nominees without extraordinary circumstances."

Look at the dictionary about "extraordinary circumstances." Here is how it is defined: "going beyond what is usual, regular, or customary." That is not some definition I came up with, that is the definition in the dictionary. "Extraordinary" is defined as "going beyond what is usual, regular, or customary."

In return for their saying that is what they would do, we agreed that we would not consider any changes to the Senate rules outside of regular order. Democrats have kept our word. We intend to keep our word. We have not altered the rules. But since we entered into that agreement, Republicans have failed to hold up their end of the bargain. What they have done these past 5 months has not been usual, regular, or customary as defined in the dictionary. Not only have they failed to work with us to schedule votes on nominees in a timely manner, they are doing everything in their power to deny the President his team and thus undermine Obama's Presidency.

Instead of throwing about accusations, let's look at the facts. Let's stick with the facts. Republican obstruction has slowed down nearly every nominee President Obama has submitted. Even Cabinet Secretaries have faced unparalleled procedural hurdles, and Republicans are threatening to block many more of them. For example, in the some 230-plus years we have been a country, for the first time in the history of this country, while a war is going on and one is winding down, for the first time in the history of this country, Senate Republicans filibustered the nomination of Secretary of Defense Chuck Hagel—who, by the way, is a Republican and, by the way, is a Vietnam hero for his combat activities there and was a Republican Senator from Nebraska.

The minority leader himself is threatening to block President Obama's nominee for Secretary of Labor, and he said so. The Secretary of Labor is a good person. He put himself through school working as a garbage man. His parents are immigrants.

What we have done here for generations of the Senate is we have had hearings on these nominees. That is the way it should be.